

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VICTOR CAMARGO
JUAREZ,

Plaintiff,

v.

ALLIED UNIVERSAL,

Defendant.

Case No. 3:21-cv-00221-MMD-CLB

ORDER

Pro se Plaintiff Victor Camargo Juarez, a former employee of Defendant Allied Universal Security Services, sued Allied for employment discrimination for failure to accommodate his disability, unequal terms and conditions of employment, and retaliation. (ECF No. 4 at 4-6.) The Court previously dismissed Juarez' complaint but granted him leave to file an amended complaint. (ECF No. 19 ("Prior Order").) Juarez did. (ECF No. 21 ("FAC").) Before the Court is Allied's motion to dismiss the FAC. (ECF No. 22 ("Motion").) Despite a warning from the Court regarding the dispositive impact of the Motion (ECF No. 23), Juarez did not timely file a response to it.¹ As further explained below, the Court will grant the Motion, compel arbitration, and dismiss this case.

The Court noted in the Prior Order that there is no dispute Juarez's claims against Allied brought in this case are subject to arbitration. (ECF No. 19 at 2 n.2.) That remains true today. The Court accordingly encouraged the parties to stipulate to arbitration if Juarez filed an amended complaint. (*Id.*) In its Motion, Allied represents it tried to but was unable to communicate with Juarez. (ECF No. 22 at 2.) Thus, Allied filed the Motion. (*Id.*)

¹Allied notes this in its reply. (ECF No. 24.)

1 As there is no dispute that Juarez must arbitrate his claims against Allied, the
2 Court grants the motion, orders the parties to arbitrate their claims, and dismisses this
3 case.

4 Alternatively, the Court grants Allied's Motion because Juarez did not timely
5 respond to it—or respond to it at all. Juarez accordingly consented to the Court granting
6 the Motion. See LR 7-2(d) ("The failure of an opposing party to file points and authorities
7 in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for
8 attorney's fees, constitutes a consent to the granting of the motion.").


9 It is therefore ordered that Allied's motion to dismiss (ECF No. 22) the FAC (ECF
10 No. 21) is granted.

11 It is further ordered that Juarez must arbitrate his claims in the FAC against
12 Allied.

13 It is further ordered that this case is dismissed in its entirety.

14 The Clerk of Court is directed to enter judgment accordingly and close this case.

15 DATED THIS 14th Day of October 2022.

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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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